

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DOMINIC CASTALDO, On Behalf of Himself and All Others Similarly Situated, <div style="text-align: right;">Plaintiff,</div>)	No. C-02-0853-CW <u>CLASS ACTION</u> ORDER GRANTING MOTION TO CONSOLIDATE RELATED ACTIONS AND PRESERVE DOCUMENTS AND ORDER GRANTING MOTION TO APPOINT METZLER INVESTMENT GROUP GMBH AND GARRETT ZWART AS LEAD PLAINTIFF AND APPROVING LEAD PLAINTIFF'S CHOICE OF CO- LEAD COUNSEL
vs.)	
NVIDIA CORPORATION, et al., <div style="text-align: right;">Defendants.</div>)	

This Court, having considered Movants' Motion to Consolidate Related Actions and Preserve Documents, and for good cause shown, hereby ORDERS as follows:

CONSOLIDATION OF RELATED CASES

1. The following actions are consolidated for all purposes, including, but not limited to, discovery, pretrial proceedings and trial proceedings pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and Civil Local Rule 3-12:

Abbreviated Case Name	Case No.	Date Filed
<i>Castaldo v. Nvidia Corporation, et al.</i> Plaintiff: Dominic Castaldo	C-02-0853-CW	02/19/02
<i>Peshi & Associates v. Nvidia Corporation, et al.</i> Plaintiff: Peshi & Associates	C-02-0875-PJH	02/21/02

1	<i>Diamond v. Nvidia Corporation, et al.</i>	C-02-0885-MJJ	02/21/02
	Plaintiff: Joseph Diamond		
2	<i>Potash v. Nvidia Corporation, et al.</i>	C-02-0900-PJH	02/22/02
3	Plaintiff: Herbert Potash		
4	<i>Fialkov v. Nvidia Corporation, et al.</i>	C-02-1000-MJJ	02/28/02
	Plaintiff: Gail Fialkov		
5	<i>Weintraub v. Nvidia Corporation, et al.</i>	C-02-1019-MJJ	03/01/02
6	Plaintiff: Martin Weintraub		
7	<i>Blakey v. Nvidia Corporation, et al.</i>	C-02-1027-SI	03/01/02
	Plaintiff: David Blakey		
8	<i>Jones v. Nvidia Corporation, et al.</i>	C-02-1041-MJJ	03/04/02
9	Plaintiff: Luby Jones		
10	<i>Williams v. Nvidia Corporation, et al.</i>	C-02-1258-SBA	03/14/02
	Plaintiff: Caroline Williams		
11	<i>Reif v. Nvidia Corporation, et al.</i>	C-02-1286-CW	03/14/02
12	Plaintiff: Ilene Reif		
13	<i>Murphy v. Nvidia Corporation, et al.</i>	C-02-1372-RMW	03/20/02
	Plaintiff: Kevin A. Murphy		
14	<i>Burke v. Nvidia Corporation, et al.</i>	C-02-1425-PJH	03/25/02
15	Plaintiff: Richard Burke		
16	<i>Stein v. Nvidia Corporation, et al.</i>	C-02-1640-SBA	04/05/02
	Plaintiff: Jeffrey Stein		

MASTER DOCKET AND CAPTION

2. The docket in Civil Action No. C-02-0853-CW shall constitute the Master Docket for this action.

3. Every pleading filed in the consolidated action shall bear the following caption:

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 In re NVIDIA CORPORATION SECURITIES) Master File No. C-02-0853-CW
4 LITIGATION)5 This Document Relates To:)
6) CLASS ACTION

7 4. The file in Civil Action No. C-02-0853-CW shall constitute a Master File for every action
8 in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions"
9 shall appear immediately after the phrase "This Document Relates To." When a pleading applies only to
10 some, but not all, of the actions, the document shall list, immediately after the phrase "This Document
11 Relates To," the docket number for each individual action to which the document applies, along with the
12 last name of the first-listed plaintiff in said action.

13 5. All related actions subsequently filed in, or transferred to, this District shall be consolidated
14 into this action. This Order shall apply to every such action, absent order of the Court. A party that
15 objects to such consolidation, or to any other provisions of this Order, must file an application for relief
16 from this Order within ten days after the date on which a copy of this Order is mailed to the party's counsel.

17 6. The parties shall file a Notice of Related Case whenever a case that should be consolidated
18 into this action is filed in, or transferred to this District. The Clerk shall:

- 19 a. Place a copy of this Order in the separate file for such action;
20 b. Serve on plaintiffs' counsel in the new case a copy of this Order;
21 c. Direct that this Order be served upon defendants in the new case; and
22 d. Make the appropriate entry in the Master Docket.

23 7. This Order is entered without prejudice to the rights of any party to apply for severance
24 of any claim or action, for good cause shown.

25 8. Plaintiffs represent that the first notice of pendency of these cases was published on or
26 about February 19, 2002 and thereafter in widely circulated national business-oriented publications, in
27 compliance with the requirements of §21D(a)(3)(B) of the Private Securities Litigation Reform Act of 1995.

28 **LEAD PLAINTIFF'S COUNSEL**

1 Having considered Movant's Motion to Appoint Metzler Investment GmbH and Garrett Zwart as
2 Lead Plaintiff and to Approve Lead Plaintiff's Choice of Co-Lead Counsel (the "Motion"), and good cause
3 appearing therefor, the Court FURTHER ORDERS as follows:

4 15. The Motion is GRANTED;

5 16. Pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C.
6 §78u-4(a)(3)(B), Metzler Investment GmbH and Garrett Zwart are appointed as lead plaintiff for the class;

7 17. Lead plaintiff's selection of counsel is approved. Pursuant to §21D(a)(3)(B)(v), the law
8 firms of Milberg Weiss Bershad Hynes & Lerach LLP and Kaplan Fox & Kilsheimer LLP are appointed
9 as co-lead counsel for the class.

10 **Lead Plaintiff's counsel, Milberg Weiss Bershad Hynes & Lerach, is directed to serve**
11 **a copy of this order on all parties in the consolidated action.**

12
13 **ORDER**

14 IT IS SO ORDERED.

15
16 DATED: 6/11/02 _____ /s/ CLAUDIA WILKEN
17 THE HONORABLE CLAUDIA WILKEN
18 UNITED STATES DISTRICT COURT JUDGE
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E-FILED on 3/29/2004

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD ORENS, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

LEVI STRAUSS & CO., PHILIP A.
MARINEAU, and WILLIAM B.
CHIASSON

Defendants.

No. C-03-05605 RMW

ORDER CONSOLIDATING RELATED
CASES, APPOINTING GENERAL
RETIREMENT SYSTEM OF THE CITY OF
DETROIT, THE POLICEMEN AND FIREMEN
RETIREMENT SYSTEM OF THE CITY OF
DETROIT AND METZLER INVESTMENT
GMBH FOR AS LEAD PLAINTIFFS, AND
APPROVING SELECTION OF LEAD
COUNSEL

[Re: Docket No. 11]

Two competing lead plaintiffs, (1) the General Retirement System of the City of Detroit, the
Policemen and Firemen Retirement System of the City of Detroit and Metzler Investment GmbH
(collectively, the "Institutional Investors"); and (2) Muzinich & Co. ("Muzinich") originally moved for
consolidation of related cases, appointment of lead plaintiff and approval of selection of lead counsel.
Defendants Levi Strauss & Co., Philip A. Marineau and William B. Chiasson ("Levi Strauss") took no
position regarding the appointment of lead plaintiff and approval of lead counsel, and agreed that all related
actions should be consolidated. Competing lead plaintiffs stipulated to appointing the Institutional Investors
as lead plaintiffs. The court: (1) grants the motion for consolidation of related cases; (2) appoints
Institutional Investors as lead plaintiff; and (3) approves Institutional Investors' selection of lead counsel

ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM OF THE CITY OF DETROIT AND METZLER INVESTMENT
GMBH FOR AS LEAD PLAINTIFFS, AND APPROVING SELECTION OF LEAD COUNSEL

C-03-05605 RMW

JTH

I. BACKGROUND

This class action was filed on December 12, 2003, asserting claims for violation of the Exchange Act and SEC Rule 10b-5 on behalf of investors who purchased or acquired Levi Strauss securities during the class period. The class period extends from January 10, 2001 to October 9, 2003. It is alleged that during the period, Levi Strauss securities were traded at artificially-inflated prices as a result of defendants' alleged actions, misrepresentations and omissions. The alleged violations are that Levi Strauss (1) made improper tax deductions for losses related to various manufacturing plant closures; (2) materially overstated its net income in violation of the Generally Accepted Accounting Principles ("GAAP"); (3) made financial estimates, projections, and opinions that were lacking rational basis; (4) lacked adequate internal controls and was therefore unable to ascertain the true financial condition of the company; and (5) caused the value of its net income and financial results to be overstated at all relevant times.

On December 24, 2003 notice of pendency of the class action was published in *Financial Times*. Subsequently Muzinich and the Institutional Investors moved for appointment of lead plaintiffs, approval of choice of counsel and consolidation of all related cases.¹ The two movants stipulated to appoint Institutional Investors as lead plaintiff and for Muzinich to withdraw its motion seeking lead plaintiff.

II. ORDER

A. Motion to Consolidate Related Cases

1. The following actions pending in the Northern District are, until further order of this court, consolidated for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure before the Honorable Ronald M. Whyte: *Orens v. Levi Strauss & Co., et al.*, C-03-05605 (RMW) and *General Retirement System of the City of Detroit et al. v. Levi Strauss & Co., et al.*, C-04-00712 (JW).

2. These actions shall be referred to herein as the "Consolidated Actions." This Order shall apply to the Consolidated Actions and to each case that is subsequently filed in this court or transferred to this court that relates to the same subject matter as in the Consolidated Actions:

¹ A later case was filed against Levi Strauss on February 20, 2004, *General Retirement System of the City of Detroit et al. v. Levi Strauss & Co., et al.*, C-04-00712 (JW).

1 a. The short caption of the Consolidated Actions shall be "In re Levi Strauss & Co.,
 2 Sec. Litig." Any other action now pending or hereafter filed in this District as a class action on behalf of
 3 acquirers of Levi Strauss & Co. between January 10, 2001 through October 9, 2003, inclusive, which
 4 arises out of the same facts as alleged in the Consolidated Actions, shall be consolidated for all purposes as
 5 soon as it is brought to the court's attention.

6 b. All related actions that are subsequently filed in, or transferred to, this District
 7 shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related
 8 action, absent order of the Court. A party that objects to such consolidation, or to any
 9 other provision of this Order, must file an application for relief from this Order within thirty (30) days after
 10 the date on which a copy of the Order is mailed to the party's counsel.

11 c. This Order is entered without prejudice to the rights of any party to apply for
 12 severance of any claim or action, for good cause shown.

13 d. The docket in Civil Action No. C-03-05605 (RMW) shall constitute the Master
 14 Docket for this action.

15 e. Every pleading filed in the consolidated action shall bear the following caption:

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19 In re LEVI STRAUSS & CO.,
 20 SECURITIES LITIGATION

No. C-03-05605 RMW
 And Related Cases

CLASS ACTION

21
 22 This Document Relates to:

23 f. A Master Docket and a Master File are hereby established for the
 24 Consolidated Actions under Master File No. C-03-05605 (RMW). When a pleading is intended to be
 25 applicable to all actions to which this Order is applicable, the words "All Actions" shall appear immediately
 26 after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to
 27 be applicable only to some, but not all, of such actions, the court's docket number for each individual action

28 ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
 THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM OF THE CITY OF DETROIT AND METZLER INVESTMENT
 GMBH FOR AS LEAD PLAINTIFFS, AND APPROVING SELECTION OF LEAD COUNSEL

C-03-05605 RMW

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1 to which the paper is intended to be applicable and the last name of the plaintiff in such action shall appear
2 immediately after the words "This Document Relates To:", the docket number for each individual action to
3 which the document applies, along with the last name of the first-listed plaintiff in said action (e.g., "No.
4 C-03-05605 (RMW) (Orens))."

5 g. When a pleading is filed and the caption shows that it is to be applicable to "All
6 Actions," the Clerk shall file such pleading in the Master File and note such filing in the Master Docket. No
7 further copies need be filed or docket entries made. When a pleading is filed and the caption shows that it
8 is to be applicable to fewer than all of the Consolidated Actions, the Clerk need file such pleading only in
9 the Master File but, nonetheless, shall note such filing in both the Master Docket and in the docket of each
10 such action.

11 h. When a case that relates to the subject matter of the Consolidated Actions is
12 hereafter filed in this court or transferred here from another court, the Clerk of the court shall:

- 13 1. place a copy of this Order in the separate file for such action;
- 14 2. mail a copy of the Order of assignment to counsel for plaintiffs and to
15 counsel for defendants in the Consolidated Actions;
- 16 3. mail to the attorneys for the plaintiff(s) and to any new defendant(s) in the
17 newly filed or transferred action a copy of this Order; and
- 18 4. make an appropriate entry in the Master Docket.

19 i. The court requests the assistance of counsel in calling to the attention of the Clerk
20 of this court the filing or transfer of any case that might properly be consolidated as a part of In re Levi
21 Strauss & Co. Securities Litigation.

22 j. Lead plaintiff shall serve upon defendants a single, consolidated, amended class
23 action complaint (the "Complaint"). The Complaint shall be served within sixty (60) days of the entry of an
24 Order appointing lead plaintiff and lead counsel for plaintiffs and the class, or such other time as may be
25 mutually agreed by the parties. The Complaint shall supersede all existing complaints in the actions. No
26 defendant is required to answer, move, or otherwise respond to any of the initial complaints filed in the
27 Action. Defendants shall answer, move, or otherwise respond to the Complaint within forty-five (45) days

28 ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
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1 after its service on them, or such other time as may be mutually agreed upon by the parties. In the event
2 that defendants move to dismiss the Complaint, plaintiffs shall have forty-five (45) days or such other time
3 as may be mutually agreed upon by the parties to oppose such motion and defendants shall have fifteen
4 (15) days from the date of service of the opposition to reply.

5 k. This Order shall apply to each case subsequently filed in this court or transferred to
6 this court, unless a party objecting to the consolidation of such case or to any other provision of this Order
7 files, within ten (10) days after the date upon which a copy of this Order is mailed to counsel for such party,
8 an application for relief from this Order or any provision herein and this court deems it appropriate to grant
9 such application.

10 **B. Motion to Appoint Lead Plaintiff and Approval of Lead Counsel**

11 1. The General Retirement System of the City of Detroit, the Policemen and Firemen
12 Retirement System of the City of Detroit and Metzler Investment are appointed as lead plaintiff for the
13 putative class and any subsequently consolidated or related action to represent the interests of the putative
14 class.

15 2. Lead plaintiffs' selection of lead counsel for the putative class is hereby approved. The law
16 firms of Bernstein Litowitz Berger & Grossmann LLP and Kirby, McInerney & Squire LLP are appointed
17 co-lead counsel pursuant to §21D(a)(3)(B)(v) of the Exchange Act.

18 3. Co-Lead counsel shall have authority to speak for all plaintiffs and putative class members
19 in all matters regarding the litigation including, but not limited to, pretrial proceedings, motion practice, trial,
20 and settlement, and shall make all work assignments in such a manner as to facilitate the orderly and
21 efficient prosecution of this litigation and to avoid duplicative or unproductive effort. Additionally, co-lead
22 counsel shall have the following responsibilities:

23 a. to brief and argue motions and file opposing briefs in proceedings initiated by other
24 parties;

25 b. to initiate and conduct discovery proceedings, including, but not limited to, the
26 preparation of discovery materials and discussions or negotiations concerning discovery issues;

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28 ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
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C-03-05605 RMW
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- c. to direct and coordinate the examination of witnesses in depositions and on oral interrogatories;
 - d. to act as spokespersons at court conferences and hearings;
 - e. to delegate responsibilities for specific tasks to other counsel in a manner to assure that pretrial preparation for the plaintiffs is conducted effectively, efficiently, and economically;
 - f. to consult with and call meetings of plaintiffs' counsel when they deem it appropriate;
 - g. to consult with and employ experts;
 - h. to negotiate with and enter into agreements with defendants' counsel with respect to settlement and other matters;
 - i. to coordinate this action with any related state or Federal court proceeding that involves issues similar to those raised in this consolidated action in order to avoid unnecessary duplication, expense, and effort;
 - j. to conduct all pretrial, trial, and post-trial proceedings; and
 - k. to perform such other duties as they deem necessary, or as may be expressly authorized by further order of the court.
3. Co-Lead counsel shall be responsible for coordinating all activities and appearances on behalf of the putative class and for disseminating notices and orders of this court.
 4. No motion, application or request for discovery shall be served or filed, or other pretrial proceedings initiated, on behalf of lead plaintiff, except through co-lead counsel.
 5. All notices, proposed orders, pleadings, motions, discovery, and memoranda shall be served upon co-lead counsel by overnight mail service, telecopy, or hand delivery.
 6. Co-Lead counsel for the putative class shall be available and responsible for communications to and from the court. Co-Lead counsel shall be responsible for the creation and maintenance of a master service list of all parties and their respective counsel.
 7. Defendants' counsel may rely upon all agreements made with co-lead counsel.

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1 8. During the pendency of this litigation, or until further order of this court, the parties shall
2 take reasonable steps to preserve all documents within their possession, custody, or control, including
3 computer-generated and stored information and materials such as computerized data and electronic mail,
4 containing information that is relevant to or which may lead to the discovery of information relevant to the
5 subject matter of the pending litigation.

6 9. This Order shall apply to each case subsequently filed in this court or transferred to this
7 court, unless a party objecting to the consolidation of such case or to any other provision of this Order files
8 within ten (10) days after the date upon which a copy of this Order is mailed to counsel for such party, an
9 application for relief from this Order or any provision herein and this court deems it appropriate to grant
10 such application.

11 **C. Pleadings and Motions**

12 1. Defendants are not required to respond to the complaint in any action
13 consolidated into this action, other than the consolidated complaint or a complaint designated as
14 the operative complaint.

15 2. Lead Plaintiff shall file a consolidated complaint within sixty (60) days after
16 filing the order designating the Lead Plaintiff unless otherwise agreed upon by the parties. The
17 consolidated complaint shall be the operative complaint and shall supersede all complaints filed
18 in any of the actions consolidated herein.

19 3. Defendants shall respond to the consolidated complaint within forty-five (45) days
20 after service, unless otherwise agreed upon by the parties. If defendants file any motions
21 directed at the consolidated complaint, the opposition and reply briefs shall be filed within thirty
22 days and forty-five days, respectively, of that response, unless otherwise agreed upon by the
23 parties.

24 4. The parties shall serve all papers on each other by hand, by overnight delivery, or
25 (by prior agreement) by facsimile, unless otherwise agreed upon by the parties. Notwithstanding
26 the foregoing, defendants may serve plaintiffs' counsel, other than Lead Plaintiff's Counsel, by
27 first-class mail, unless otherwise agreed upon by the parties.

28 ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM OF THE CITY OF DETROIT AND METZLER INVESTMENT
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1 5. Plaintiffs shall file a motion for class certification within thirty (30) days after
2 service of the consolidated complaint. Counsel shall propose to the court a mutually agreeable
3 schedule for class certification discovery and for briefing and hearing of such motion.

4 **D. Discovery**

5 1. The following definitions shall presumptively apply in all discovery issued in this
6 action:

7 a. Communication. The term "communication" means the transmittal of
8 information (in the form of facts, ideas, inquiries or otherwise).

9 b. Document. The term "document" is defined to be synonymous in meaning
10 and equal in scope to the usage of this term in Fed R. Civ. P. 34(a). A draft or non-identical copy is a
11 separate document within the meaning of this term.

12 c. Identify (with respect to persons). When referring to a person, "to identify"
13 means to give, to the extent known, the person's full name, present or last known address, and
14 when referring to a natural person, additionally, the present or last known place of employment.
15 Once a person has been identified in accordance with this subparagraph, only the name of that
16 person need be listed in response to subsequent discovery requesting the identification of that
17 person.

18 d. Identify (with respect to documents). When referring to documents, "to
19 identify" means to give, to the extent known, the (i) type of document; (ii) general subject
20 matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

21 e. Parties. The terms "plaintiff" and "defendant" as well as a party's full or
22 abbreviated name or a pronoun referring to a party mean the party and, where applicable, its
23 officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This
24 definition is not intended to impose a discovery obligation on any person who is not a party to
25 the litigation.

26 f. Person. The term "person" is defined as any natural person or any business,
27 legal or governmental entity or association.

28 ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM OF THE CITY OF DETROIT AND METZLER INVESTMENT
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1 g. Concerning. The term "concerning" means relating to, referring to,
2 describing, evidencing or constituting.

3 h. The following rules of construction apply to all discovery requests:

4 i. All/each. The terms "all" and "each" shall be construed as all and each.

5 ii. And/or. The connectives "and" and "or" shall be construed either
6 disjunctively or conjunctively as necessary to bring within the scope of the discovery request all
7 responses that might otherwise be construed to be outside of its scope.

8 i. Number. The use of the singular form of any word includes the plural and vice
9 versa.

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11 2. All parties will comply with 15 U.S.C. § 78u-4(C)(i).

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13
14 DATED: 3/29/2004

/s/ Ronald M. Whyte

15 RONALD M. WHYTE
16 United States District Judge
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28 ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM OF THE CITY OF DETROIT AND METZLER INVESTMENT
GMBH FOR AS LEAD PLAINTIFFS, AND APPROVING SELECTION OF LEAD COUNSEL

C-03-05605 RMW
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1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiffs:**

3 Alan Schulman alans@blbglaw.com
4 Robert A. Jigarjian: raj@classcounsel.com
5 Robert S. Green: rsg@classcounsel.com
6 Jill Manning: jmannings@kmslaw.com

7 **Counsel for Defendants:**

8 Erin Elizabeth Schneider: eschneider@gibsondunn.com
9

10 Counsel are responsible for distributing copies of this document to co-counsel that have not registered for
11 e-filing under the court's CM/ECF program.

12
13 Dated: 3/29/2004

/s/ ANL
Chambers of Judge Whyte

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28 ORDER CONSOLIDATING RELATED CASES, APPOINTING GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT,
THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM OF THE CITY OF DETROIT AND METZLER INVESTMENT
GMBH FOR AS LEAD PLAINTIFFS, AND APPROVING SELECTION OF LEAD COUNSEL
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The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOUTH FERRY LP #2, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

KERRY K. KILLINGER, THOMAS W. CASEY,
DEANNA W. OPPENHEIMER, WILLIAM W.
LONGBRAKE, CRAIG J. CHAPMAN, JAMES
G. VANASEK, MICHELLE MCCARTHY, and
WASHINGTON MUTUAL INC.,

Defendants.

Master File No. CV04-1599C

[PROPOSED] ORDER APPOINTING
LEAD PLAINTIFFS AND
APPROVING LEAD PLAINTIFFS'
SELECTION OF COUNSEL

1001 Fourth Avenue, Suite 2550
Seattle, WA 98154

04-CV-01599-ORD

Milberg Weiss Bershad & Schulman LLP
1001 Fourth Avenue, Suite 2550
Seattle, WA 98154
Telephone: 206/839-0730 • Fax: 206/839-0728

1 Having considered The WAMU Investors Lead Plaintiff Group's Motion for
2 Appointment of Lead Plaintiff and Approval of Selection of Plaintiffs' Lead Counsel (the
3 "Motion"), and good cause appearing therefor, it is hereby ORDERED that:

4 1. The Motion is GRANTED.

5 2. The Court, having considered the provision of § 21D(a)(3)(B), as amended by the
6 PSLRA, hereby determines that The WAMU Investors Lead Plaintiff Group, consisting of
7 Metzler Investment GmbH, South Ferry LP #2, and The Walden Management Co. Pension Plan,
8 is appointed as Lead Plaintiff in this action.

9 3. Lead Plaintiffs' selection of Lead Counsel is approved. Pursuant to 15 U.S.C.
10 § 78u-4(a)(3)(B)(v), the law firm of Milberg Weiss Bershad & Schulman LLP is appointed as
11 Lead Counsel in this consolidated action.

12 4. Lead Counsel for the class shall have the following responsibilities and duties, to
13 be carried out either personally or through counsel whom Lead Counsel shall designate:

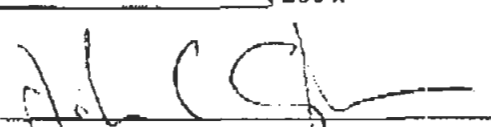
- 14 a. To coordinate the briefing and argument of motions;
- 15 b. To coordinate the conduct of discovery proceedings;
- 16 c. To coordinate the examination of witnesses in depositions;
- 17 d. To coordinate the selection of counsel to act as spokesperson at pretrial
18 conferences;
- 19 e. To call meetings of counsel as they deem necessary and appropriate from
20 time to time;
- 21 f. To coordinate all settlement negotiations with counsel for defendants;
- 22 g. To coordinate and direct the pretrial discovery proceedings and the
23 preparation for trial and the trial of this matter, and to delegate work responsibilities to selected
24 counsel as may be required; and
- 25 h. To supervise any other matters concerning the prosecution or resolution of
26 the related and/or consolidated actions.

1 5. No motion, request for discovery, or other pretrial proceedings shall be initiated
2 or filed by any plaintiff in this action without the approval of Lead Counsel, so as to prevent
3 duplicative pleadings or discovery by plaintiffs in this action. No settlement negotiations shall be
4 conducted in this action without the approval of Lead Counsel.

5 6. Defendants' counsel may rely upon agreements made with Lead Counsel. Such
6 agreements shall be binding on plaintiffs.

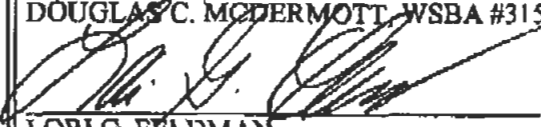
7 7. Any counsel of record for a party in this action who is not a member of the Bar of
8 this District is hereby admitted to practice *pro hac vice* in this action.

9 Dated this 30 day of Nov, 2004.

10
11 
12 HONORABLE JOHN C. FOUGHENOUR
UNITED STATES DISTRICT JUDGE

13 Presented by:

14 MILBERG WEISS BERSHAD
15 & SCHULMAN LLP
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17 DOUGLAS C. McDERMOTT, WSBA #31500

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20 -and-

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[Proposed] Lead Counsel for Plaintiffs

[PROPOSED] ORDER APPOINTING LEAD PLAINTIFFS AND
APPROVING LEAD PLAINTIFFS' SELECTION OF COUNSEL
(Master File No. CV04-1599C)
DOCS226008V1

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15 **Plaintiff's Counsel**
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16 Proposed Lead Counsel

17 [Additional Counsel on Signature Page]

18 UNITED STATES DISTRICT COURT
 19 CENTRAL DISTRICT OF CALIFORNIA
 20 WESTERN DIVISION

21 CONWAY INVESTMENT CLUB,
 22 Individually and On Behalf of All
 23 Others Similarly Situated,

24 Plaintiff,

25 vs.

26 CORINTHIAN COLLEGES, INC.,
 27 DAVID MOORE, ANTHONY
 28 DIGIOVANNI and DENNIS BEAL,

Defendant.

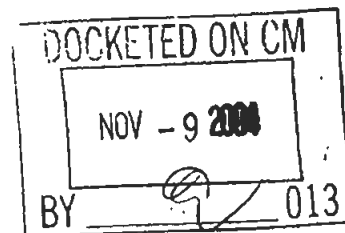
Case No. 2:04-cv-05025 12

~~PROPOSED~~ ORDER
 CONSOLIDATING THE ACTIONS,
 APPOINTING LEAD PLAINTIFF,
 AND APPROVING SELECTION OF
 LEAD COUNSEL

Date: October 4, 2004
 Time: 10:00 a.m.
 Courtroom: Honorable Manuel L.
 Real

Date Action Filed: July 8, 2004

(Additional Captions Set Forth Below)



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 U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

81

1 BARBARA KAUFMAN, On Behalf of
2 Herself and All Others Similarly
Situating,

3 Plaintiff,

4 vs.

5 CORINTHIAN COLLEGES, INC.,
6 DAVID G. MOORE, DENNIS N.
7 BEAL, AND ANTHONY F.
DIGIOVANNI,

8 Defendant.

Case No. 2:04-cv-05091 ✓

Judge: Honorable Manuel L. Real
Courtroom: 8
Date Action Filed: July 8, 2004

SCANNED

9
10 MICHAEL ORLANDO, Individually
and On Behalf of All Others Similarly
Situating,

11 Plaintiff,

12 vs.

13 CORINTHIAN COLLEGES, INC.,
14 DAVID MOORE, ANTHONY
15 DIGIOVANNI and DENNIS BEAL,

16 Defendant.

Case No. 2:04-cv-05754 ✓

Judge: Honorable Manuel L. Real
Date Action Filed: July 16, 2004

17 PAULENA PARTNERS, LLC,
18 Individually and On Behalf of All
Others Similarly Situating,

19 Plaintiff,

20 vs.

21 CORINTHIAN COLLEGES, INC.,
22 DAVID MOORE, ANTHONY
DIGIOVANNI and DENNIS BEAL,

23 Defendant.

Case No. 2:04-cv-06057 R ✓

Judge: Honorable Dale S. Fischer
Date Action Filed: July 23, 2004

1 JAMES DOLAN, On Behalf of Himself
2 and All Others Similarly Situated,

3
4 Plaintiff,

5 vs.

6 CORINTHIAN COLLEGES, INC.,
7 DAVID MOORE, PAUL ST. PIERRE,
8 DENNIS BEAL, and ANTHONY
9 DIGIOVANNI,

10 Defendant.

Case No. 2:04-cv-06076 ✓

Judge: Honorable Manuel L. Real
Date Action Filed: July 23, 2004

SCANNED

11 KWOK YAU TONG, Individually and
12 On Behalf of All Others Similarly
13 Situated,

14 Plaintiff,

15 vs.

16 CORINTHIAN COLLEGES, INC.,
17 DAVID MOORE, ANTHONY
18 DIGIOVANNI and DENNIS BEAL,

19 Defendant.

Case No. 2:04-cv-06993 ✓

Judge: Honorable Manuel L. Real
Date Action Filed: August 20, 2004

20 DOUGLAS ROSE, On Behalf of
21 Himself and All Others Similarly
22 Situated,

23 Plaintiff,

24 vs.

25 CORINTHIAN COLLEGES, INC.,
26 DAVID MOORE, PAUL ST. PIERRE,
27 DENNIS BEAL and ANTHONY
28 DIGIOVANNI,

Defendant.

Case No. 2:04-cv-06994 ✓

Judge: Honorable Manuel L. Real
Date Action Filed: August 20, 2004

1 IVAN MENESES, Individually and on
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 vs.

5 CORINTHIAN COLLEGES, INC.,
6 ANTHONY DIGIOVANNI, DAVID
7 MOORE and DENNIS BEAL,

8 Defendant.

9 DOUGLAS ROSE, On Behalf of
10 Himself and All Others Similarly
11 Situated,

12 Plaintiff,

13 vs.

14 CORINTHIAN COLLEGES, INC.,
15 DAVID MOORE, PAUL ST. PIERRE,
16 DENNIS BEAL and ANTHONY
17 DIGIOVANNI,

18 Defendant.

19 KOK YEOH, On Behalf of Himself and
20 All Others Similarly Situated,

21 Plaintiff,

22 vs.

23 CORINTHIAN COLLEGES, INC.,
24 DAVID MOORE, PAUL ST. PIERRE,
25 DENNIS BEAL and ANTHONY
26 DIGIOVANNI,

27 Defendant.

Case No. ~~8:04-cv-923~~

2104-8273

Judge: Honorable David O. Carter
Date Action Filed: August 4, 2004

Case No. ~~8:04-cv-926~~

Judge: Honorable David O. Carter
Date Action Filed: August 5, 2004

Case No. ~~8:04-cv-959~~

64-8393

Judge: Honorable Gary L. Taylor
Date Action Filed: August 9, 2004

SCANNED

1 JAMES STELLATO, On Behalf of
2 Himself and All Others Similarly
Situating,

3 Plaintiff,

4 vs.

5 CORINTHIAN COLLEGES, INC.,
6 DAVID MOORE, PAUL ST. PIERRE,
DENNIS BEAL and ANTHONY
DIGIOVANNI,

7 Defendant.
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Case No. 8:04-cv-997-

04-8401 R

Judge: Honorable David O. Carter
Date Action Filed: August 16, 2004

SCANNED

1 Having considered the motion of Metzler Investment GmbH ("Metzler
2 Investment"), and good cause appearing therefore, the Court orders as follows:

- 3
- 4 1. The Motion is GRANTED; ~~is~~
- 5 2. The above-captioned actions are consolidated pursuant to Fed. R. Civ. P.
6 42(a);
- 7
- 8 3. Metzler Investment is the "most adequate plaintiff" and accordingly, is
9 appointed Lead Plaintiff pursuant to 15 U.S.C. 78u-4(a)(3)(B)(iii);
- 10 4. Milberg Weiss Bershad & Schulman LLP is appointed Lead Counsel,
11 pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v).

12 IT IS SO ORDERED.

13 DATED: Nov. 1, 2004


Honorable Manuel L. Real
United States District Court Judge

14 Submitted by:

15 Dated: September 7, 2004

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SCANNED

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a resident of the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 355 South Grand Avenue, Suite 4170, Los Angeles, California 90071.

2. That on September 7, 2004, declarant served the [PROPOSED] ORDER CONSOLIDATING THE ACTIONS, APPOINTING LEAD PLAINTIFF AND APPROVING SELECTION OF LEAD COUNSEL by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 7TH day of September, 2004, at Los Angeles, California.


CYNTHIA DORSEY

SCANNED

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SCANNED